

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE MERRADO	:	CIVIL ACTION
	:	
v.	:	NO. 22-2916
	:	
SUPT. KEVIN J. RANSOM, THE	:	
DISTRICT ATTORNEY OF THE	:	
COUNTY OF PHILADELPHIA, THE	:	
ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA	:	

**ORDER**

AND NOW, this 20<sup>th</sup> day of May 2024, following our careful and independent consideration of the pro se Petition for writ of habeas corpus (ECF No. 1), Defendants' Response (ECF No. 11) and amended Response (ECF No. 13), Petitioner's Response (ECF No. 19), following our independent review of Judge Hey's September 26, 2023 comprehensive Report and Recommendation (ECF No. 21) allowing us to confirm the Petition is time barred without a basis for equitable tolling, and with no objection to Judge Hey's Report and Recommendation, it is **ORDERED** we:

1. **APPROVE** and **ADOPT** Judge Hey's uncontested Report and Recommendation (ECF No. 21);
2. **DENY** the Petition for writ of habeas corpus (ECF No. 1);
3. **DENY** a certificate of appealability;<sup>1</sup> and,
4. **DIRECT** the Clerk of the Court **close** this case.

  
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KEARNEY, J.

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<sup>1</sup> We find no basis for a certificate of appealability. “Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from ... the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court.” 28 U.S.C. § 2253(c)(1)(A). We may issue a certificate of appealability if “the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Mr. Merrado “satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 323 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). We decline to issue a certificate of appealability. Reasonable jurists could not disagree with our resolution of Mr. Merrado’s claims.